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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fifteenth periodic report of States parties due in 1999

Addendum

GREECE*

[21 February 2001]

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* This document contains the twelfth, thirteenth, fourteenth and fifteenth periodic reports of Greece due on 18 July 1993, 18 July 1995, 18 July 1997 and 18 July 1999 respectively. For the eighth, ninth, tenth and eleventh periodic reports of Greece and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/210/Add.1 and CERD/C/SR.940, 941 and 950.

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I. INTRODUCTION

1. In the previous reports to the Committee, the Greek Government outlined the general context and presented specific details on its legislation, including its Constitutional provisions, policy and practice regarding the elimination of all forms of racial discrimination.

2. The present report provides information on recent legislation, case law and practice regarding developments in the application of the principle of non-discrimination and in promoting effective equality. The information provided below focuses mainly on the questions and the remarks raised by the members of the Committee on the occasion of the examination of the previous Greek reports.

3. The Greek Government would like to express its appreciation to the Committee for the important task it has been performing in order to curb racial discrimination and incitement to racial hatred over the years. In the view of the Government, the cooperative spirit in which the Committee carries out its constructive dialogue with member States facilitates the adoption by the latter of concrete steps which prevent and suppress discrimination against human beings. The Greek Government expresses, however, its regret at the delay in the submission of its periodic reports, which is mainly due to the fact that new legislation and practice on matters falling within the competence of the Committee were adopted only recently. However, it should be emphasized that the Greek Government has always complied with its obligations under the Convention, which it considers to be of great importance.

II. GENERAL LEGAL FRAMEWORK

A. Ratification or signature of international human rights instruments: recent developments

4. Since the submission of its last report, Greece has ratified, without reservations or interpretative declarations, the International Covenant on Civil and Political Rights, as well as the First and Second Optional Protocols thereto (Law No. 2462/1997). It has also ratified Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty; the Protocol amending the European Social Charter; the Additional Protocol to the European Social Charter, providing for a system of collective complaints; the European Convention on the Exercise of Children's Rights. In the field of the protection of human dignity, Greece has ratified the Convention on Human Rights and Biomedicine and its Additional Protocol on the Prohibition of Cloning of Human Beings, as well as Protocols Nos. 1 and 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

5. Greece has also signed the Council of Europe Framework Convention for the Protection of National Minorities; the European Convention on Nationality; the revised European Social Charter; and the Statute of the International Criminal Court.

6. Greece intends to accept as soon as possible the right of individual complaint under the Convention on the Elimination of All Forms of Racial Discrimination.

B. Enforcement of human rights instruments by domestic courts

7. Greek courts base their decisions more and more frequently on the provisions of international human rights instruments, which are, thus, directly applicable by the courts and other tribunals or administrative authorities. Due attention is also given by the Greek courts to the case law of international judicial or quasi-judicial bodies when interpreting human rights instruments.[1]

8. It should be noted that the provisions of the International Covenant on Civil and Political Rights have been made widely known to lawyers and judges, and this is proved by the fact that the courts are willing to rely on the principles and guarantees set forth in the Covenant. An indicative example in this respect is the recent refusal of the Greek courts to apply, on the basis of article 2, paragraph 4 of the Covenant, the provisions of article 8 of Law 2097/1952, which provides for State immunity from execution (Athens Court of First Instance, 20976/1999).

C. National machinery with responsibility of overseeing the implementation of human rights

9. In recent years, the Greek Parliament has set up independent State agencies or committees, whose aim is to protect and promote human rights in general and the principle of non-discrimination in particular.

(a) The National Radio and Television Council oversees the implementation of legislative and other provisions against racism, xenophobia and incitement to hatred in the field of the electronic media. In this context, regulation 3/1991 of the Council provides that radio and television stations are obliged not to broadcast advertisements introducing discrimination based on race, gender, religion or nationality. Moreover, article 5 of regulation 1/1991 (Code of Journalistic Deontology) provides that it is not permitted to present persons in a way which might, under the specific circumstances, foster humiliation, social exclusion or discrimination by the public on grounds, especially, of gender, race, nationality, language, religion, ideology, age, illness or disability, sexual orientation or profession. According to article 2, paragraph 5 of the draft Code of Deontology for Information and Other Journalistic and Political Programmes, it is absolutely not permitted to refer to persons accused or convicted with no other identification than ethnic origin or religious beliefs. More generally, reference to ethnic origin or religious beliefs of persons suspected of having committed criminal offences is to be avoided. More details on legislation aiming at combating racial prejudice in print and electronic media is given under article 4;

(b) The Authority for the Protection of Personal Data, instituted by Law 2472/1997, is entrusted with the mandate to regulate the collection and processing of "sensitive" personal data, such as those concerning race, ethnic origin, political opinions, religious beliefs, etc., which might lead to a violation of the principle of non-discrimination. Storage and processing of such data is permitted only in exceptional circumstances, subject to authorization by the aforementioned Authority. Recently, the Authority ruled that reference to religious affiliation on State-issued identity cards is not lawful, even though the person concerned gives his/her express consent thereto;

(c) Law 2477/1997 instituted the Greek Ombudsman's Office. The Ombudsman ("Defender of the Citizen") is appointed by the Council of Ministers following a proposal by the Parliamentary Committee on Institutions and Transparency, and enjoys full independence from government instructions in exercising his functions. The Office of the Ombudsman began its work in September 1998 and, during the 14 months of its existence, it received 8,714 complaints. There are currently four sections, dealing respectively with human rights issues, relations between the State and the public, quality of life and health and social welfare. Alleged victims of racial discrimination may apply to the Ombudsman in order to seek an extrajudicial settlement of any dispute with the Administration. More specifically, the Department of Human Rights undertakes cases involving alleged violations of personal freedom, discrimination on the basis of nationality or ethnic origin in the provision of administrative services, violations of the principle of meritocracy, etc. In the course of the year 1999, there was an increase in the submission of complaints by persons belonging to vulnerable social groups (foreigners, repatriated Greeks, refugees, persons doing alternative military service, detainees, etc.). As mentioned in the Annual Report of the Greek Ombudsman for the year 1999, phenomena of arbitrariness, indifference, partiality and impunity against members of vulnerable social groups have been observed. A significant percentage of these complaints have been settled on the basis of the recommendations put forward by the Ombudsman;

(d) Law 2667/1998 establishes a national commission on human rights, composed of representatives of non-governmental organizations, political parties, Bar Associations, independent State agencies, trade unions, university professors, government officials, Supreme Court judges. The main aims of the Committee are research and promotion of human rights, submission of reports and proposals, monitoring of the compliance of the Greek legal order with international human rights standards, raising the awareness of public opinion and the media on human rights issues, drafting of an annual human rights report, the creation of a documentation centre on human rights, etc. In January 2000, the Committee met for the first time and elected its President. Without any doubt, issues of non-discrimination will be on the agenda of the National Commission. The Commission has already made proposals on legislative and other reforms relating to matters of religious freedom and aliens' rights (new immigration bill, etc.), and one of its sections deals specifically with aliens' rights;

(e) The Prime Minister's Office for the Quality of Life, which is particularly active in matters concerning the protection and promotion of the rights of Roma, has begun operation. An Inter-ministerial Committee, whose primary task is the tackling of problems and the improvement of the living conditions of Roma in Greece, has also been established and is presently in operation;

(f) In April 1999, an Inter-ministerial Committee on International Humanitarian Law was established, which later become the National Commission on the Implementation and Dissemination of International Humanitarian Law. The Commission aims, inter alia, at (a) coordinating all activities related to dissemination and implementation of international humanitarian law in Greece; (b) promoting cooperation with the Hellenic Red Cross, the

International Committee of the Red Cross, as well as the respective committees in other countries; (c) submitting proposals to the competent authorities concerning measures to implement the obligations under the instruments of international humanitarian law, as well as ratification of relevant instruments; (d) contributing to the dissemination of international humanitarian law standards.

III. ARTICLES OF THE CONVENTION

Article 1 (The recent adoption of affirmative action schemes)

10. In 1998, the Council of State accepted explicitly the need to adopt positive measures in order to attain effective gender equality and considered that affirmative action policies are in conformity with the Constitution. The Council of State held that "in case where one may find that a certain category of persons has been discriminated against due to such social prejudices so that the inflexible application of equality would result to a façade of equality, while in fact it consolidates and perpetuates the existing inequalities, the adoption by the legislator ... of appropriate and necessary positive measures in favour of such categories ... until such time as real equality is established, fully conforms with the spirit of the constitutional principle of equality. Consequently, if such conditions exist, the adoption of positive measures in favour of women with a view to accelerating the attainment of effective equality between men and women is not contrary to the Constitution" (decisions 1917-1929/1998 and 1933/1998).

11. The above case law concerning gender equality is also relevant to acts considered discriminatory when they are based on race, colour, descent, national or ethnic origin and they have the purpose of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms. In these cases, positive measures taken with a view to achieving not only de jure but also de facto equality are fully consistent with paragraph 4 of article 1 of the Convention.

12. The taking of affirmative action is soon to acquire a constitutional dimension. Under the revision of the Constitution which is still in progress, the competent parliamentary committee has proposed the revision of paragraph 2 of article 116 of the Constitution, which is replaced as follows: "The adoption of positive measures with regard to equality between men and women does not constitute discrimination based on gender. The State makes provision for the lifting of inequalities existing in practice, especially those directed against women".

13. At the legislative level, the Greek Parliament recently adopted a legislative provision which aims at the balanced participation of men and women in the decision-making process concerning the State, legal persons of public and private law (belonging to the public sector), as well as first- and second-level local government bodies. More particularly, article 6 of Law 2839/2000 defines that:

(a) In every public service council, as well as in the service councils of legal persons of public law and local government agencies, the number of members of each gender appointed by the Administration shall be at least equal to one third of those appointed, according to the

standing provisions, so long as a sufficient number of civil servants meeting the legal prerequisites for their appointment are serving with their respective public service, and as long as the appointed members number more than one;

(b) In cases concerning the appointment or recommendation by the State, legal persons of public law and local government agencies of members of administrative boards or of other collective organs which are entrusted with the administration of legal persons of public or private law, the number of appointed or recommended persons of each gender shall be equal to at least one third of the persons appointed or recommended according to the provisions in force, and so long as the persons appointed or recommended number more than one.

14. Another example of affirmative action is Law 2725/1999, which prescribes that in the sports federations encouraging sports or branches of sports in which athletes of both genders participate, a percentage in the range of 20 per cent of the elected members of their boards shall be occupied by candidates of the other gender, with the express provision that the number of candidates of each gender shall be at least double the minimum number of those elected in fulfilment of the minimum 20 per cent requirement.

15. More information on the above-mentioned matters are contained in the report of Greece submitted to the Committee on the Elimination of Discrimination against Women in September 2000.

Article 2 (Policy of eliminating racial discrimination in all its forms)

16. Since the submission of the last Greek report and its consideration by the Committee in August 1992, the Greek Governments have made serious efforts for the elimination of all forms of discrimination in Greek society through the adoption of concrete legislative or other measures aimed at promoting effective equality among individuals. In this respect "vulnerable" groups within Greece, such as Roma people and their children, migrant workers, refugees and asylum-seekers, and their human rights situation, are at the core of the concern of the authorities. In addition, new measures have been envisaged in order to facilitate the integration of migrant workers into the social, economic and cultural life of the country. A draft Immigration Bill is actually pending before Parliament. The main lines of the proposed measures are described below.

1. Muslim minority in Thrace

17. Similarly, special attention is given to the Muslim minority of Thrace and several measures have been taken in order to improve its living conditions and to create a regime of effective equality with the majority population. Integration of the members of this minority in the political, economic, social and in other fields of Greek public life as well as its peaceful coexistence with the Christian majority is another objective that all Greek Governments strive to fulfil. More specifically:

Statistical data and self-identification

18. According to the latest census which took place in 1991, the Muslim minority of Thrace numbers approximately 98,000 out of a total of 338,000 inhabitants of this area, i.e. 29 per cent of the local population and 0.92 per cent of the total population of Greece of 10.62 million.

19. This minority consists of three ethnic groups whose members are of Turkish origin (50 per cent of the minority population), Pomaks (an indigenous population that speaks a Slavic dialect and espoused Islam during Ottoman rule) (35 per cent of the minority) and Roma (15 per cent of the minority population). Each of these groups has its own distinct spoken language and cultural tradition. They share, however, a common religion (Muslim) which is the basic reason for the denomination of the minority in its entirety as "Muslim" in the Lausanne Treaty of 24 July 1923 which constitutes the legal basis for the protection of this minority.[3]

20. In this connection it would be useful to make a few comments on the issue of the self-identification of the Muslim minority of Thrace, which has been a point of criticism by some NGOs. First of all it should be stressed that the Greek authorities subscribe to the international standards which regulate this issue, and, in particular, to article 3 of the European Framework Convention for the Protection of National Minorities.[4] The latter provides that "every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as a member [of that minority] and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice". However, as the explanatory report to this article points out, the above right cannot be exercised arbitrarily but it should be based on the existence of objective criteria relating to the identity of these individuals.

21. The Greek Government does not deny the application of this principle to persons who belong to the Muslim minority. In fact every member of this minority is free to declare his/her ethnic origin (be it Turkish, Pomak or Roma), speak and learn his or her own language and exercise his or her own religion, customs and traditions.

22. The attempt, however, to identify the *entire* Muslim minority of Thrace as "Turkish" is to the view of the Government unjustifiable and goes against existing realities. It is also against the spirit and purpose of the European Framework Convention which also protects the members of minority groups from being assimilated into other groups by reason of their size. Despite the many problems that undeniably exist, the Greek Government makes every effort to preserve and promote the identity of the Muslim minority of Thrace and the special characteristics of the identity of its members. These efforts are described below.

23. It should be stressed that according to a recent decision of the Supreme Court the use of the term "Turkish" as denomination of a union or association is not illegal in itself, and subsequently such a union or association cannot be dissolved unless its purpose and actions are against public order or national security. This positive development can offer useful guidance to the Greek courts and to the Administration in the future in similar cases.

Participation of the minority in political life

24. The members of the Muslim minority actively participate in Greek political life and a good number of them are members of political parties. During parliamentary elections, all political parties include in their electoral lists Muslim candidates. In almost all successive Parliaments from 1927 onwards, Muslim deputies were elected (usually two). At the parliamentary elections of 1996, almost all Greek political parties were represented with Muslim candidates in the Prefectures of Xanthi and Rhodopi where the Muslim minority lives. More specifically, in the Prefecture of Xanthi there were seven Muslim candidates coming from seven different political parties, while in the Prefecture of Rhodopi, seven Muslim candidates came from four political parties. Both the party in Government (PASOK) and the main opposition party (New Democracy) were represented with three Christians and one Muslim candidate in the Prefecture of Rhodopi. Eventually, three Muslim candidates were elected, one from each of the three major political parties. Thus, there are three Muslim deputies among the 300 members of the Greek Parliament, whose number happens to correspond to the percentage of the Muslim population to the total population (i.e. 0.92 per cent). Currently, following the April 2000 parliamentary elections, two Muslim deputies are sitting in Parliament.

25. In the communities where a Christian majority lives, it is quite common to have a considerable number of Muslims elected as municipal councillors, while in those municipalities where the Muslim element is in the majority, a Muslim mayor is elected. Muslim prefecture councillors are also elected in the Prefectures of Xanthi and Rhodopi. In particular, during the recent local elections of October 1998, 11 Muslim mayors of cities and municipalities were elected as well as 14 prefecture councillors.

26. The electoral law, which fixes the level of eligibility at 3 per cent at the national level, aims at securing a stable parliamentary majority and is neutral per se, i.e. it applies to all political parties. The threshold of 3 per cent is modest, when compared to the electoral laws of other European democracies and does not preclude members of the Muslim minority from fully enjoying their political rights. The relevant legislation was challenged before the European Commission of Human Rights (application No 25758/1994, Ahmed Sadik v. Greece), which held that the threshold of 3 per cent is not contrary to article 3 of Protocol No. 1 to the European Convention (right to free elections) and declared the application manifestly ill-founded.

27. The recent parliamentary elections of April 2000 and the previously held local elections prove that in Thrace taboos and prejudice have been put aside. In the parliamentary elections, in districts where the Muslim element is in the majority, Christian candidates have been elected. As already mentioned, in municipalities with a mixed population, Muslims have been elected as mayors. This positive development proves beyond any doubt that in Thrace the interests of Muslims and Christians could be represented in the Greek Parliament or in local authorities by competent representatives, irrespective of their religion.

Educational rights of members of the Muslim minority

28. The Greek State, and the Ministry of Education in particular, consider the education of the Muslim pupils a matter of high priority. Concrete proof of this are the credits allotted every year for the running costs, maintenance and improvement of the minority schools. In 1998, in

particular, 61,600,000 drachmas (approximately 180,000 euros) were spent for running costs, 289,364,000 drachmas (850,000 euros) for new construction, 139,126,000 drachmas (408,000 euros) for repairs and 100 million drachmas (290,000 euros) for educational materials for these schools.

29. Pre-school level. There are today 185 nursery schools in Thrace, all established upon the request of residents of minority villages who wish their children to acquire a solid foundation in Greek language and education.

30. Primary education. Today there are 235 primary minority schools in Thrace. Courses are taught in the Greek and Turkish languages as stipulated in Part V of the Lausanne Treaty of 1923 under the heading "Protection of minorities". The curriculum includes a complete Turkish and Greek language programme; mathematics, religion and physics are taught in Turkish, geography and history in Greek, and the Koran in Arabic in accordance with Muslim tradition. Additionally, the minority pupils follow a foreign language programme, that is, other than Greek and Turkish, after the third grade of primary school. The number of Muslim teachers employed in these schools is 450. More than half of them (269) are graduates of the Special Pedagogical Academy of Thessaloniki, 82 are graduates of the secondary education schools i.e. gymnasiums and Koranic schools, 90 are graduates of schools in Turkey and 9 are Turkish nationals, appointed for a set period of time according to the provisions for the exchange of teachers between Greece and Turkey contained in the 1968 Bilateral Cultural Protocol.

31. Secondary education. Two minority secondary education schools operate in the cities of Xanthi and Komotini, capital cities of the Prefectures of Xanthi and Rhodope respectively, where the Muslim minority is mainly situated. The schools are housed in buildings provided by the Greek State. Both the Greek and the Turkish languages are used for the education of the students in these schools. Twelve Muslim Greek teachers, graduates of Turkish universities, and seven Turkish nationals (as provided by the 1968 Bilateral Cultural Protocol) are employed. It is true that the infrastructure and capacity of these schools does not allow for the admission of the total number of students interested in pursuing their education. Thus selection for admission is by lot, as is the case in other Greek private schools. This measure has come under criticism by members of the minority. However, it must be kept in mind that for all practical purposes almost all of the candidates are finally admitted by means of a decision issued yearly by the Secretary-General of the Region of Eastern Macedonia - Thrace on the basis of a recommendation by the Coordinator of Minority Education. During the current academic year 98 per cent of the surplus applications for admission were accepted while the authorities also agreed to include among the eligible applicants even those who submitted their applications belatedly.

32. It must also be mentioned that in Thrace and in the remote mountainous area in Xanthi where the Pomaks live, in particular, the State has set up and is financing the operation of Greek-language secondary schools (gymnasiums) in which the teaching of the lesson of religion in the Turkish language and the teaching of the Koran in Arabic have been introduced. Furthermore the State finances the commute to the schools for those students for whom the distances are too prohibitive. During the academic year 1997/98, 60 million drachmas (176,000 euros) were spent for moving students to and from the Glafki Lyceum and the Smirnfi, Echinos, Glafki and Thermae gymnasiums of Xanthi Prefecture.

33. Yet another positive development in the education of the minority is the adoption of Law 2621/1998, whereby the two Koranic schools of Komotini and of Echinos in Xanthi Prefecture have been recognized as equivalent to the religious studies lyceums of the country. The Pedagogical Institute of the Ministry of Education is currently working on the new curriculum.

34. Currently, there is a positive climate of cooperation between the Ministry of Foreign Affairs and the Turkish Embassy in Athens concerning the exchange of schoolbooks for the use of Muslim students in Thrace and students of the Greek minority in Turkey. The relevant provisions are part of the 1968 Bilateral Cultural Protocol in the form of recommendations. The Turkish side submitted 19 titles for approval by the competent authority, i.e. the Pedagogical Institute of the Ministry of Education. The latter checked their content, concluding that the textbooks conform to the necessary educational standards for primary education. This assessment puts a new positive slant on the issue of the exchange of textbooks, as books submitted by the Turkish side in the past were on the whole considered inadequate to cover the educational needs of the minority. The last time such books were submitted was in 1992/93. In order to make up for the lack of progress, the Greek Ministry of Education undertook the writing and publication of Turkish-language textbooks for use in the first five years of primary school which, according to the assessment of all the experts, fulfilled the educational and pedagogical norms. Unfortunately the distribution of these books met with the organized and guided reaction of certain circles of the minority and were never put to use.

35. The Government also pays particular attention to the improvement of the skills of pupils in the Greek language. Two educational programmes are currently being implemented and both have yielded positive results. The first is the "Programme for the Education of Muslim Children" and has been designed by the Assistant Secretariat for the Education of Greeks Abroad and Multicultural Education of the Ministry of Education in collaboration with the Athens National Capodistrian University. Its aim is the publication of textbooks for the teaching of the Greek language to students with a different mother tongue, the study of special educational programmes, the training of both Christian and Muslim teachers in the teaching of Greek as a second language and in the modern pedagogical and didactic methods, using new technology. The programme is financed by the European Union with approximately 1.2 billion drachmas (3.5 million euros). The second is the "Multicultural Educational Support for Student Groups in Thrace". Designed by the National Youth Foundation, it is also financed by the European Union with 585 million drachmas (1,715,000 euros). Its aim is to facilitate the adaptation of students to the Greek educational system and alleviate the cost of education for families in need by providing free supplementary education. Another programme that was successfully put into practice in August and September 1998 was the programme for the support of Muslim students in secondary education, particularly for first-year students in the gymnasiums and students having failed their examinations.

36. Tertiary level. As far as tertiary education is concerned, Greek law provides for a special quota of 0.5 per cent for the admission of minority students to Greek higher education institutions. When the new law was put into force in the academic year 1996/97, 70 minority students out of 84 candidates were admitted to higher education institutions. In the academic

year 1997/98 the number increased to 114 students, while during the year 1998/99, 112 students were admitted; during the 1999/2000 year, 179 students were admitted. Today, 700 Muslims are studying at Greek universities.

37. The Ministry of Education has also initiated the process for the integration of the Special Pedagogical Academy of Thessaloniki - from which the teachers employed in the minority schools graduate - in the university education system. To this end, a presidential decree is under consideration which will establish a Department of Muslim, Pedagogical and Theological Studies at the Aristotelian University in Thessaloniki. In order to enhance the quality and continuity of teaching in minority schools, the law requires that advanced qualifications - including teacher training, graduate studies, foreign language skills and familiarity with other cultures, civilizations and religious practices - be taken into account during the appointment of teachers to minority schools. The law also introduces English-language courses at the primary school level. Furthermore, the law establishes special financial and retirement incentives for teachers who choose to teach at minority schools.

Religious freedoms

38. In Thrace, there are more than 265 mosques and more than 440 imams officiate there. The Muslim minority in Thrace enjoys certain privileges pertaining to family (e.g. marriage, divorce) and inheritance matters. The spiritual leaders of the minority, the muftis, are vested with judicial powers over disputes between Muslims of their district concerning such family and inheritance matters. In passing his judgement, the mufti relies on Islamic law. The Greek courts (Supreme Court), in order to keep in line with Muslim customs, have ruled that the mufti is the minority's natural judge and that a Muslim may not bring a matter coming within the mufti's jurisdiction before a civil court.

39. In order, however, to reconcile Islamic law with the Greek public order and the international obligations of Greece, in particular, in the field of equality of (Muslim) women and men, a legislative document provides that the courts shall not enforce decisions of the muftis which are contrary to the Greek Constitution (Act 1920/1991, sect. 5 (3)).

40. The adjudication by the muftis is the main reason for which they have, since 1923, been appointed by the administration according to a transparent procedure in which prominent members of the minority have their say, proposing the candidates from which the muftis are chosen. The muftis are appointed by presidential decree following a recommendation of the Minister of Education and Religion.

41. In the past years, some members of the minority have contested the appointment of the muftis and instead have demanded that the muftis be elected. They even elected their own muftis despite the fact that there were legally appointed muftis in the districts of Xanthi and Komotini.

42. The European Court of Human Rights had the occasion to deal with this problem in examining a complaint brought against Greece by one of the "elected" muftis, who was imprisoned for having committed the crime of pretence of authority (judgement of 14 December 1999, Serif v. Greece). In that judgement, the European Court stated

"that punishing a person for the mere fact that he acted as the religious leader of a group that willingly followed him can hardly be considered compatible with the demands of religious pluralism in a democratic society". The Court did not, however, deal with the overall competencies of the mufti and the legality of his appointment, since, given the circumstances of the case, it did not find that Mr. Serif had committed the crime of pretence of authority. The Greek authorities have already implemented the above judgement of the Court by paying the applicant the compensation awarded by the Court and tries to find ways to solve this sensitive problem in cooperation with the minority.

Programme pertaining to the social integration of Muslim women and children of the area of Metaxourgeio (Athens)

43. The above-cited programme, initiated in 1998, is implemented under the supervision of the General Secretariat of Equality, the Research Centre on Matters of Equality, the Centre of Pedagogical and Artistic Education entitled "SCHEDIA", and the "Social and Educational Action". The aim of the programme is to improve the living standards of the Muslim women of the Metaxourgeio area, whose illiteracy rate reaches up to 99 per cent and whose socio-economic level is below the poverty line. The programme includes research on the registration of the needs of the women's families, on the existing infrastructure concerning the employment and education of their children, on their learning needs and on the suitable psycho-pedagogic methods, as well as on the effective legal-institutional framework regarding the population in question.

44. The actions of the programme involve:

(a) The support and encouragement of women by specialized personnel (social worker, psychologist, legal consultant, visiting public health specialist);

(b) A literacy programme for the women which shall include both oral and written language, as well as education in matters of everyday hygiene and body care;

(c) Setting up of a sewing educational workshop;

(d) The creative employment of children, both of pre-school age as well as those aged 6-8 who have missed the opportunity of proper school attendance. The programme aims at developing the kinetic, cognitive and social skills of the children, placing particular emphasis on the learning of the Greek language;

(e) Support of children in school to encourage their continued school attendance.

45. In the context of the programme, seminars are being held using innovative pedagogical methods in which the educators at the area schools participate. For additional information, see the report to CEDAW referred to above.

2. The situation of Roma in Greece

46. The situation of Roma people is of great concern to the Greek authorities, which of late put a lot of effort in order to improve their standard of living. Despite these efforts, the situation is not entirely satisfactory. It is the understanding of the authorities that additional measures and a more balanced approach to the problems faced by this group is needed.

47. Since July 1996, the Greek Government has been implementing a programme for the improvement of the living conditions and the integration of Roma into Greek society. The relevant activities are forwarded by the competent ministries, pursuing continuously the cooperation of local (prefectural and municipal) authorities, Roma NGOs (Federation of Greek Roma), etc.

48. In order to ensure the best possible coordination between all the actors involved, as well as the realization of the programme, an Inter-ministerial Committee has been set up by decision of the Prime Minister and is already in operation under the chairmanship of the Ministry of the Interior, Public Administration and Decentralization (Official Gazette 24/18.1.2000 No. Y20).

Programme for the improvement of the living conditions and the integration of Roma into Greek society

Housing

49. The ultimate aim of the programme is that all families of Greek Roma acquire their privately owned house within the next three years. This is extremely important, especially if it is taken into account the fact that for more than 300 hundred years there was no care for this population group and only in the last four years has a comprehensive programme been laid out and implemented on the part of the Hellenic State. A wide-ranging programme of housing Roma families (who today still live in settlements, often as tent-dwellers) has been implemented, with the provision of prefabricated houses, while a programme for the allotment of houses or building plots and house loans is in progress. Other elements of the programme are as follows:

(a) A study has been made of the housing needs of Roma by the Public Corporation for Urban Development and Housing (DEPOS) at a cost of 30 million drachmas (88,000 euros);

(b) The infrastructure works and the installation of 260 prefabricated houses have been completed in the camp of Gonos in Thessaloniki and 2,000 Roma tent-dwellers of the Gallikos were installed by October 2000. The new settlement was inaugurated by the Prime Minister of Greece. The infrastructure expenses were 750 million drachmas (2.2 million euros), while the houses cost 680 million drachmas (2 million euros);

(c) The construction of 84 houses by the Workers' Housing Agency (OEK) in the municipality of Sofades is in progress. Its budget is 3.3 billion drachmas (9,680,000 euros). Thirty houses are already under construction, and phase B follows with at least 66 more houses. Moreover, 100 house loans have been approved and the respective building plots have been allotted. The total programme concerns 2,500 people;

(d) Reinstallation of 400 Roma in an organized municipal area with 50 residences; this group has lived for ages in caves of the castle of Didimotichon. Seventy per cent of the construction of the residences has been completed. The cost incurred to date is 300 million drachmas (880,000 euros);

(e) Housing programmes for the allotment of building plots and construction of houses have been in progress in the municipalities of Serres, N. Ionia in Volos, N. Alikarnassos in Heraklion, Maenemeni in Thessaloniki, Kalamata, etc. The financing thus far exceeds 800 million drachmas (2,350,000 euros) and the beneficiaries number approximately 2,500 people.

50. Furthermore, the programme for the creation of infrastructure and allotment of prefabricated houses has been in progress for families of Roma tent-dwellers in municipalities all over the country. Thus, apart from the case of the Gonos camp in Thessaloniki, infrastructure has been laid out or is in progress and prefabricated houses have been allotted to families in the municipalities of Trikala, Zefyri, Aegion, Messologgi, Agrinio, Thiva, Karditsa, Spata, Aetoliko, etc. The total number of prefabricated houses that have been allotted is 800 and, in accordance with the progress of the infrastructure works, new prefabricated houses will be allotted in other municipalities. The aim is to eliminate all tent-dweller settlements in the country by the end of 2001.

51. The following must be added to the above:

(a) Measures materialized or in progress concerning renovation of settlements and creation of areas of temporary residence in the municipalities of Maenemeni, Thiva, Messini, Zevgolatio, Messologgi, Sykees in Thessaloniki, Agrinio, Ano Liossia, Orchomenos, etc.;

(b) Provision from the Greek Public Estate Corporation (KED) of installations owned by the State to be allotted as building plots to Roma families living in settlements;

(c) Programming by the Workers' Housing Agency (OEK) in the municipalities of Aegion, Gastouni, Rhodes, Chalandri, etc., for the creation of settlements;

(d) Granting of housing loans on favourable terms and guaranteed by the Greek State; 940 loans have been approved by the Ministry of National Economy and 1,200 more loans have been scheduled for 2001.

52. It should be noted that the subsidies provided by the Ministries of the Interior, Environment and Public Works, and other ministries, the contracted work in progress (for the Workers' Housing Agency, the municipality of Sofades and others) and the value of the prefabricated houses, as well as expenditures for the renovation of housing of Roma people, amount to more than 12 billion drachmas (3.5 million euros), for approximately 13,000 beneficiaries.

53. Furthermore, it should be noted that any delays in securing housing loans are mainly attributed to difficulties or reactions from local authorities or local communities.

Vocational training and employment

54. Training programmes of approximately 2 billion drachmas (5,870,000 euros), aiming at combating social exclusion, have been implemented.

55. A recent 1-billion drachmas (2,930,000 euros) programme for pre-training/training/employment of Roma, includes for the first time professions beyond the traditional ones, such as car mechanics, plumbing, training, etc. It is estimated that the beneficiaries number about 1,300 persons.

56. A programme for the employment of Roma in the municipality of Zefyr involved the construction of an auction room (antique shops, etc.). Financing on the order of 70 million drachmas has been provided.

57. The Ministry of Commerce is encouraged to issue licences to Roma to work as hawkers, etc.

Support centres for Roma/Roma children

58. Counselling on issues of education, employment, health, housing and civil/municipal matters as offered in the municipalities of Agia Varvara, Helion, Maenemeni, Sofades, Karditsa, Examilia in Korinthos, N. Ionia in Volos and Aetolikon. The setting-up of such offices is also encouraged in other areas where housing programmes or other interventions have been in progress. More than 10 support centres are scheduled to open in 2001.

59. Furthermore two support centres for Roma children in A. Liossia and in Megara operate with the participation of 150 Roma children.

Improvement of health conditions

60. The implementation of a programme of intervention on issues of public health, vaccinations, etc. has begun. The programme was initiated in the areas of Western Attiki and Karditsa and gradually expanded to cover all areas.

61. Units of medical and social support have been created in the areas of housing interventions.

Measures for culture and sports

62. A special department at the Directorate of Popular Culture has been set up and operates in the Ministry of Culture.

63. A programme of 120 million drachmas (350,000 euros) has gradually been implemented since 1999 (musical workshops, photo labs, etc.). The programme will be enriched and expanded in other areas where Roma live.

64. Programmes of mass athletics have been implemented by the Secretariat of Athletics in collaboration with local government bodies. In 1997/98, 15 programmes were implemented and 20 in 1998/99.

65. During the current year the number of bodies involved doubled and the programmes tripled. More than 1,000 Roma and Roma children participate in the programmes. The aim is for the Roma children and Roma to participate in mixed activities with other citizens.

66. Furthermore, measures of sensitization/information for the general population are promoted on issues concerning Roma (seminars, meetings, events, etc.).

67. The procedure for the resolution of a number of outstanding civil/municipal issues (identity cards, etc.) has begun in collaboration with lawyers' associations.

68. At the local level, and more specifically in Heraklion Prefecture, the authorities have taken a series of initiatives, among which are:

(a) The establishment and functioning, for the fifth consecutive year, of a school for Roma children, as an annex to the 39th Primary School, with very positive results;

(b) The implementation of a programme for the cleaning of Roma sites, under the responsibility of the Direction for Public Health of the Prefecture, with equipment provided by the Prefecture;

(c) Visits of sanitary personnel to Roma sites and systematic vaccination on the spot.

69. In the Prefecture of Attica, the municipality of Aspropyrgos allotted one of its sites for the temporary settlement of Roma people. Furthermore, four classrooms were built, at the municipality's expense, for the educational needs of Roma children.

70. In the context of the national policy on housing, education, employment, health and cultural matters concerning Roma people, with a view to improving their living conditions and promoting social integration, the Prefecture of West Attica, in cooperation with the non-governmental organization Hellenic Institute for Solidarity and Cooperation has implemented a pilot programme, entitled "West Attica society and Roma". This programme, cofinanced by the Ministry of the Interior, Public Administration and Decentralization and the European Commission aims at raising the awareness of Greek society on the problems encountered by Roma people and creating a comprehensive action plan in order to improve their situation.

71. The Ministry of the Interior, Public Administration and Decentralization is implementing a programme of financing local government bodies for the improvement of social and living conditions of Roma people. In the course of 1999, 897 million drachmas (2,630,000 euros) have been spent to this effect.

Educational rights

72. Since 1996, the Ministry of Education and Religious Affairs has officially adopted an intercultural approach in education. The realization of such a policy was based on three sectors of intervention:

(a) Firstly, on the institutional level, with the enactment of Law 2413/96, dated June 1996, which regulates matters of intercultural education.

(b) Secondly, on the administrative level, with the facilitation of enrolment at school and the establishment of a card for itinerant students (that card accompanies Roma children in case of a sudden change of school, so as to facilitate enrolment at the new school and attendance at classes, but also to certify the students' progress more easily);

(c) Thirdly, on the scientific-educational level and the level of school action, with the implementation of the programme entitled "Education of Roma children". The programme costs 1 billion drachmas and is implemented by the University of Ioannina. The programme has a panhellenic range and at this moment is in progress in the following areas (prefectures): Attiki (Agia Varvara, Liossia), Aetoloakarnania, Alexandroupoli, Argolida, Arkadia, Veria, Volos, Drama, Evoea, Heraklion, Thessaloniki, Ioannina, Kalamata, Karditsa, Kerkyra, Komotini, Korinthos, Larissa, Livadia, Liossia, Xanthi, Patras, Rhodes, Serres, Chania.

73. This programme is based on three main axes:

(a) Research and study:

On the living conditions of the Roma community in Greece;

On the psychological, pedagogical and social parameters which are introduced in the education of Roma children;

On the attitudes and behaviours of the majority of the population towards Roma;

On the reasons for which Roma children do not attend school;

On the psycho-linguistic requirements of Roma children of pre-school and school age;

(b) Creation of supportive teaching material by groups of specialists:

Indicative teaching material has been produced in the cognitive areas of language, health education, mathematics, environmental studies, history, geography;

Supportive material has been produced that takes into account the cultural background of the Roma children;

The material has been implemented on a pilot basis in selected schools.

The total teaching material produced is based on the basic principles of pedagogic suitability with respect to the special characteristics of the target group, their adequacy in respect to the general targets of the Hellenic system of education, the intercultural character of the acquisition of knowledge and abilities that characterizes the majority of the population, with simultaneous development of those elements that are considered important by the group enjoying special cultural characteristics. This material does not adopt the policy of special material for "special categories" of students with "special needs", but is addressed to mixed student populations, taking into account the particular features of the student population, as well as cultural pluralism in classes, with the aim of fostering anti-racist behaviour and providing anti-racist education to all children;

(c) Training and recurrent training of teaching personnel and members of the administration of education. Training material has been produced and groups have been formed offering special training of teaching personnel in communication with and the culture and personality of the target population group (Roma children), the nature, extent and limits of intercultural education and teaching methodology in mixed (from the point of view of their cultural identity) groups of students. Three thousand teachers and members of the administration of education have been trained in matters of educational legislation, so that the handling of the relevant administrative and educational matters may be compatible with the constitutional regulations in force and the findings of the science of education. Furthermore, considerable effort has been made to fight deeply rooted prejudices which harbour images/myths and cultural stereotypes socially harmful for Roma people.

74. The programme contains specific action aiming to support the admission to and systematic attendance of Roma children in schools of mandatory education by facilitating enrolment and integrative schooling for Roma students in order to enhance their trust in school and do away with involuntary segregation. In this respect, attempts are made to establish contacts with the families of these students so as to encourage them to send their children to school and to prevent them from becoming alienated and outsiders in their own societies. These efforts are coupled with assistance to schools so as to enrich their curricula with a better understanding of Roma culture and in general to assist them to better respond to these needs. Some of the initiatives taken in this respect are described below:

(a) In musical workshops (Lemonia and Parakalamos in Ioannina, Heraklion, Sofades in Karditsa) students are taught traditional musical instruments as well as the local musical tradition. In some cases, language teaching is provided, especially to adolescents who have never been at school. In this way the non-linguistic assets of Roma students are developed;

(b) Students of primary education are supported and encouraged, through systematic effort, to continue to secondary education and students in general are supported in crucial transition stages;

(c) Qualified Roma are employed as mediators within the Roma community so as to cultivate a climate of safety and trust of the Roma population towards school;

(d) Schools with a great number of Roma children are supported through pilot implementations of the teaching material produced and with parallel support of the teaching personnel working at them, the students and their families;

(e) Members of the administration of education and also of the local government are sensitized by collaborators of the programme (educators, sociologists, psychologists, etc.) so as to fight deeply rooted and persistent prejudices about Roma;

(f) A network of collaborators has been established which is constantly expanding, and thus an important panel of scientists, educators and mediators is in place that contributes to the education of Roma children and to matters of intercultural education more generally;

(g) An Internet site provides anyone with access with information about the research and educational developments in Greece and Europe in relation to the issue of the education of Roma children.

75. This policy of the Ministry of Education and Religious Affairs had as a result not only an increase in the number of Roma children attending secondary education (the drop-out rate decreased drastically from 75 per cent to 25 per cent for the year 2000), but also the qualitative improvement of their education.

76. During the implementation of this programme, various significant issues came to light, affecting or determining the educational and social integration of Roma children. Every educational intervention depends on a number of more general issues that call for organized and coordinated intervention by all the actors involved, such as the housing needs of the Roma population, their health and welfare, and the tackling of unemployment or marginalization of the Roma people.

77. Finally, unfortunately the attitude of local communities, as expressed through the attitude of local government bodies, constitutes, in a number of cases, a basic obstacle in every attempt at reform and efforts to improve conditions. It is obvious that, in relation to the perceptions and attitudes of the majority of the population towards this particular social group, invisible but powerful mechanisms leading to a way of thinking or mentality that runs counter to the aims of the programme still exist.

Planning within the framework of the Programme for Regional Development 2000-2006

78. The Ministry of Education and Religious Affairs has incorporated the programme "Education of Roma children" within the framework of the Programme for Regional Development 2000-2006 (under the heading "Educational integration of itinerant and working students") in a total amount of 5 billion drachmas with enhancement of all its activities, as described above in detail. More specifically:

(a) Teaching materials (additional teaching materials for primary schools, teaching materials for nursery school and for secondary and adult education) has been improved;

(b) Training/sensitization. Particular emphasis will be given to information and the sensitization of members of local government bodies, and not only of members of the regional administration of education. That group develops, in many instances, resistance against the attendance of Roma children at public schools, which are the same and common for all students. This resistance stems from "fears" resulting from ignorance about various issues concerning Roma (health, culture, professional training), or is the result of their "adjustment", in local "balances of power", which hinder the implementation of policies designed by the Ministry of Education and Religious Affairs (as an example we mention the support of policies of "ghettoization" of Roma students through the creation of unmixed schools of Roma children).

79. The framework provides for the expansion and broadening of the support network of school attendance in 50 areas of the country (the network includes activities such as continuous contact with the students' parents; the administration of schools and education offices; the local authorities; the services of health, social welfare, labour and housing; a census of children of pre-school age and of people who have dropped out from education; support of the teaching personnel; intervention in favour of students' rights; and the strict implementation of educational legislation in cases of local resistance). Furthermore, the creation of centres of pedagogical support of Roma children and counselling of their families is scheduled, so as to support their school attendance and to reinforce the relations of the Roma family with school.

3. Migrant workers, refugees, asylum-seekers

80. During the 1990s, Greece experienced a wave of legal and illegal immigration. A country of emigration since the end of the Second World War, Greece became a country of immigration. Greek authorities have stepped up their efforts in order to ensure the integration of immigrants into Greek society.

81. The deadline for the registration and the submission of applications for the granting of a "green card" (limited-duration residence permit) has expired. Many aliens are already holders of a green card or of the certificate for its granting. As of November 2000, 378,873 aliens had been registered; 224,000 applications for the granting of a green card have been submitted; all of the applicants have been issued a "white card", which enables them to reside and work legally in Greece on a temporary basis; 165,000 green cards have been issued; 42,000 applications for renewal of the green card have been submitted. The draft Immigration Bill gives, as will be explained hereunder, a second chance to undocumented migrants for their legalization.

82. Specifically, with respect to women immigrants, save in the case of women immigrants from the Philippines (their immigration to Greece commenced two decades ago, and they have formed an association as well as a day-care centre for their children), who are mainly employed in private households, the per-branch employment of women from other countries has not been determined. The General Secretariat of Equality closely collaborates with the Manpower Employment Organization with a view to processing data pertaining to employment specialties which have been declared so that any eventual cases of exploitation of these women may be investigated. (In regard to these issues, see the report of Greece to CEDAW.)

83. Of the foreigners who were registered as a result of the Human Resources Research conducted in the year 1998, women constitute 50 per cent of the total and 40 per cent of the labour force. Eighty per cent of foreign women are mainly engaged in three branches: 55 per cent in private households, 14 per cent in the sector of hotels-restaurants and 10 per cent in manufacturing industries. The countries whose emigrant populations in Greece are composed of more women than men are the Philippines, Ukraine, the Republic of Moldova, Georgia and Bulgaria.

84. The entry of thousands of immigrants to our country coming from the economically poorer countries of Eastern Europe (Russia, Ukraine, Georgia, Albania, Romania, etc.) has had as a result the increase of trafficking and sexual exploitation of women and girls in Greece. A series of measures aimed at combating trafficking in women with a view to their sexual exploitation were taken in the framework of the Inter-ministerial Committee on combating violence against women (which was established in July 1999), as well as before the Committee was set up. These measures include:

(a) The publication and distribution of pamphlets containing information and advice to potential victims, written in the languages of the countries of origin of women who are victims of sexual exploitation;

(b) The cooperation of Greece with the countries of origin and with the interested agencies, both in the countries of origin as well as in the reception countries;

(c) The issuance of a decision taken by the Ministry of Public Order, on the basis of which the expulsion of foreign women who are victims of trafficking will be carried out via air. In this way, the women shall be protected from the organized prostitution networks that are plaguing the various transfer stations;

(d) The training and sensitization of police officers in matters of violence against women and sexual exploitation of women, a subject-matter that is included in all seminars designed for the training of police officers. Significant in this respect was the seminar that was organized in Athens in the course of 2000 by the General Secretariat of Equality, in collaboration with the Council of Europe, whose primary object was the combating of trafficking and trade in women and children in South-Eastern Europe and which resulted in a regional action programme;

(e) The psychosocial and legal support of the victims of trafficking shall be provided by means of the social infrastructure for combating of violence against women, which will make use of the structures of the National Health System, if this is deemed necessary;

(f) In Thessaloniki, in the context of the European Community programme entitled "Umbrella", a programme aimed at foreigners engaged in prostitution has been set up. The programme includes measures for information and prevention of sexually transmitted diseases, the distribution of condoms and access to health services.

More information on these matters is contained in the report of Greece to CEDAW

85. Presidential decrees 358 and 359/1997 establish full equality of rights in employment (mainly in the fields of salary, working conditions and social security) between Greek citizens and all foreign nationals legally working in Greece.

86. Presidential decree 189/1998 on conditions and procedures for the granting of work permits (to dependent as well as independent workers) or other assistance for integration in the economic life of the country of recognized refugees, asylum-seekers and temporary residents for humanitarian reasons provides the legal basis for measures aiming at facilitating the integration of refugees in Greek society. Refugees can obtain a work permit on more favourable terms and conditions than other aliens, as no preliminary authorization is required. The right to professional training is recognized for refugees on the same conditions as for Greek citizens.

87. A new presidential decree (No. 61/99) on asylum procedures was put into effect in June 1999. The decree provides for close cooperation between Greek authorities and representatives of the Office of the United Nations High Commissioner for Refugees and lays down rules and conditions for the exercise of the right of refugees to family reunion.

88. In more general terms, the legislation which has been progressively introduced since 1996 institutes a special regime of temporary protection and enhances the procedural rights of asylum-seekers. In one of its latest reports,[4] UNHCR declared itself satisfied with the provision of the new asylum law, which meets international standards, and expressed its appreciation for the consideration given by the authorities to UNHCR's contributions during the drafting process. UNHCR also stressed the increasing number of cases in which the Appeals Board has taken into account the recommendations made by UNHCR for the granting of asylum.

89. According to UNHCR data, during the period 1990-1999, 24,700 asylum applications were lodged. Those recognized as refugees or provided with humanitarian protection represent 12.9 per cent of decisions taken on those applications.

90. Presidential decree 266 of October 1999, regulated the administration and operation of the Lavrio Centre for Refugees, and the social protection relating to refugees, asylum-seekers and persons with humanitarian status. The aim of the Centre is to provide hospitality to foreigners seeking refuge in Greece and wishing to submit an application for asylum. The decree contains provisions pertaining to medical and hospital care and to the granting of social and health-care benefits.

The draft Immigration Bill

91. A new draft Immigration Bill is currently pending before the Greek Parliament, aiming at the integration of immigrants into Greek society, the protection and promotion of their human rights, as well as the strengthening of the legal safeguards against discrimination. The draft bill is designed to elaborate a long-term immigration policy that takes into account the social and political changes that have lately taken place, the new, pressing needs that have emerged and the trends that have been developed on the international level concerning immigration issues. In general terms, the bill deals with immigration in a comprehensive way by setting out the conditions and the procedures for the lawful entry, residence and employment of foreigners in

Greece. The rights of the immigrants are safeguarded and conditions for their integration into Greek society are foreseen. In addition, a procedure for the regularization of clandestine immigrants and the acquisition by them of work permits is provided. Family reunification and the regularization of the family members of those foreigners who lawfully reside on Greek territory is another area covered by the present draft.

92. The key innovations introduced by the draft law are the following:

(a) At an institutional/organizational level, responsibility for the coordination of the immigration policy shall be assigned to the Ministry of the Interior, Public Administration and Decentralization. The immigration policy will be implemented at the central level through the establishment of an Aliens and Immigration Bureau, whilst on a regional level there shall be created respective services for each region;

(b) The bill provides for the possibility of setting up employment bureaux within the Greek consular authorities which will provide information to persons seeking employment about the conditions of admission and the demand for certain categories of worker by the Greek labour market. This might prevent illegal entry of foreigners seeking employment;

(c) The competence for the granting of a residence permit shall no longer be exercised by police authorities and shall be vested with the Secretary-General of the region. An Immigration Committee shall be set up in each region. The Committee shall arrange an interview with each foreigner and shall render an opinion on his/her personality so as to provide assistance to the Secretary-General of the region in the decision on the granting of a residence permit;

(d) As regards the granting of Greek citizenship by way of naturalization, a Committee on Naturalization shall be set up in the Ministry of the Interior, Public Administration and Decentralization, which shall be responsible for making an assessment of the personality of the person who wishes to be naturalized, whilst many favourable requirements for the acquisition of Greek citizenship shall be created for stateless persons as well as for refugees;

(e) Specifically, as regards the protection of the human rights of aliens:

(i) The draft provides that aliens who lawfully reside on Greek territory shall enjoy the fundamental human rights provided for by the domestic law, the international treaties and the general principles of law. They shall enjoy legal protection of their rights and interests and shall have access to public authorities and services in the context of the legislation in force;

(ii) In addition, the bill safeguards for those aliens legally residing on Greek territory the following human rights: the right to make contact with the authorities of the country of their citizenship; the right to enjoy the same social insurance rights and the same social protection afforded to Greek citizens;

(iii) Detainees, after their admittance to an institution, shall immediately be informed in a language they understand about the living conditions in the given institution as well as of their rights and obligations. They shall be assisted to communicate with the diplomatic or consular agents of their State of origin;

(iv) Prosecution authorities have the right to press charges ex officio in case of racist and discriminatory acts;

(v) Foreigners lawfully residing in Greece and who have left Greek territory temporarily shall be eligible for readmission, so long as their residence permits continue to be valid at the time;

(vi) The educational rights of aliens shall be enhanced;

(vii) In the event an alien is to be expelled, the procedural rights of the alien are strengthened. Thus, if, in the light of the circumstances, it is suspected that an alien will flee or be a danger to public order, his detention shall be ordered, by the decision prescribing the expulsion, until his removal from Greek territory is effected. The alien must be informed in a language he understands of the grounds of his detention. If he is detained he shall be entitled to raise objections against his detention before the President of the Administrative Court of First Instance. If an alien, pending his expulsion, is not considered likely to flee or become dangerous to public order, or if the President of the Administrative Court of First Instance disagrees with his detention, a time-limit shall be fixed for his departure; the time-limit cannot exceed 30 days. Moreover, the foreigner has the right to lodge an appeal against the order for expulsion within a period of five days from its notification to the Secretary-General of the region having territorial competence. The Secretary-General of the region shall decide upon the expulsion within three days from the lodging of the appeal. If the decision on expulsion has ordered detention as well, the suspension shall only concern the expulsion. The Secretary-General, following an opinion rendered by the Immigration Committee, may suspend expulsion temporarily when this is dictated by humanitarian reasons or reasons relating to force majeure or public interest. In the latter case, expulsion may be suspended for exceptional reasons having to do with the life or the health of the foreigner or his family. Lastly, the possibility of setting up special premises for the detention of foreigners awaiting expulsion is provided for. It should be stated that although illegal foreigners do not benefit from public services in general, the draft law provides for certain exceptions as regards their admission to hospitals, therapeutic centres or clinics, in emergency cases. Some other exceptions are also foreseen in the case of the legal representation of foreigners by lawyers before the Greek courts;

(f) A procedure for the regularization of foreigners residing illegally in the country is provided for by the draft bill. The legislator acknowledges the existence of a pressing social problem in Greece due to the illegal stay of a large number of foreigners who cannot participate in the economic and social life of the country on an equal footing with Greek citizens and lawfully residing foreigners. The granting of a residence permit to foreigners who, at the time of the entry into force of the present bill, reside illegally in Greece shall be allowed, insofar as:

(i) They are holders of a limited-duration residence permit (green card) or of a certificate for the limited-duration residence permit (white card), or of a residence permit which has expired and they can prove that they have been residing in the country after the permit's expiry; or

(ii) They have lodged an appeal against a decision of the competent organs of the Manpower Employment Organization before a special committee as specified in article 5 of presidential decree 359/1997 and they wish to file a waiver of their appeal so that they may fall into the purview of the procedure provided for in the present article; or

(iii) They have submitted an application with the special committee as specified in article 5 of presidential decree 359/1997 for the granting of a limited-duration residence permit on serious humanitarian grounds; or

(iv) They can prove that they have been residing in Greece, lawfully or illegally, for two consecutive years up to 15 November 2000.

Foreigners who fulfil the above have to submit, within two months after the entry into force of the new law, an application to the town, municipality or village community where they are staying, or, in the cases of (b) and (c), to the Manpower Employment Organization. The application shall be forwarded within reasonable time to the Aliens and Immigration Bureau, which shall issue a stay permit to the foreigners concerned, valid for six months and regardless of the reasons they wish to stay in Greece. Within six months, the foreigner shall be entitled to obtain a regular work permit or to renew his six-month residence permit. The draft legislation also provides for a procedure relating to the regularization of the foreigners' family members who are living in the same home.

4. Linguistic and educational rights of aliens

93. In order to achieve a gradual integration into the educational system and into the Greek society of children belonging to groups having their own cultural, ethnic, linguistic and religious characteristics, the State has adopted, since 1996, the approach of intercultural education.

94. During the last years, the number of foreign students both in primary as well as in secondary education has increased significantly, as demonstrated by the cumulative data referred to hereunder for the school year 1999/2000:

(a) Primary education:
Grand total of students: 601,186
Foreigners: 40,653 (33,615 from Albania)
Percentage: 6.7 per cent;

(b) Secondary education:
Grand total of students: 732,000
Foreigners: 16,475 (12,877 from Albania)
Percentage: 2.25 per cent.

95. The Ministry of Education adopted new legislative measures in order to meet the educational needs of children from migrant backgrounds in a changing multicultural, multilingual society. These measures:

(a) Ensure that all students, regardless of background, have equal access to educational programmes;

(b) Provide opportunities for all students to develop skills in intercultural communication;

(c) Provide schools with the appropriate strategies to ensure that all students reach their full learning potential;

(d) Encourage schools to promote intercultural understanding.

96. Intercultural education is closely associated with non-discrimination, equality before the law, mutual understanding, mutual acceptance and solidarity, and is directed, both at the social groups which are distinguished by cultural particularities, as well as at the population at large sharing the prevalent cultural identity. It runs contrary to every conception and practice that raises barriers and encourages assimilation. It aims at opening school to its social environment, with all its contradictions and conflicts.

97. The interventions effected so far by the Ministry of Education are as follows:

(a) In terms of the institutional level, the Ministry has established the indispensable institutional framework by virtue of Law 2413/1996, pertaining to the education of Greeks abroad and intercultural education, thus meeting the preconditions for the interventions required, such as the turning of schools which are attended by a great number of foreign-speaking children into schools of intercultural education, the staffing of these schools by educators possessing special skills, the restructuring of curricula, as well as the production of diverse textbooks and means;

(b) At the administrative level, the Ministry has set up the Assistant Secretariat for the Education of Greeks Abroad and Multicultural Education, aiming at the more effective realization of the policy pursued in these matters, the coordination of the relevant actions and initiatives, as well as the monitoring of the work of the concerned agencies;

(c) With regard to the scientific-pedagogic sector, the Ministry established the Institute for the Education of Greeks Abroad and Intercultural Education, which provides scientific and state-of-the-art support to the task undertaken by the Ministry; the Board of Directors of the Institute has recently been appointed;

(d) Since March 1999, four programmes are in progress within the framework of the Second Community Support Framework that seeks to meet the educational needs of repatriated Greek students and foreign students, Roma children, the Muslim children of Thrace and Greeks living abroad. The substantive responsibility for these programmes has been assigned to an equal number of university professors who possess the scientific standing and authority, as well as the relevant experience, in matters of intercultural education. The key objectives of the programmes are the formulation of special curricula, the refresher training of the educators, as well as the production of suitable teaching and educational materials.

The programme for the education of repatriated Greek and migrant students

98. The general purpose of the programme may be summed up as intervention with a view to creating the preconditions which will afford the children of repatriated Greeks and foreigners alike, as well as all students, equal opportunities for access to education and utilization of the cultural summum bonum in a society whose multicultural character is becoming all the more intense. The role of education in the implementation of an intercultural education policy is to ensure that racism and prejudice do not develop to hinder an individual's participation and that all students are assisted to develop the understanding and skills that will enable them to achieve their full potential and to participate effectively and successfully in a multicultural society. This understanding and these skills will derive from education programmes and processes that accurately and positively reflect cultural pluralism, promote cultural inclusiveness, and help all students to develop proficiency in Greek, knowledge and awareness of their own and other cultures, skills and understanding to interact comfortably and competently in intercultural settings and, finally, an awareness of the reality of the "global village".

99. The five key strategic outcomes of the programme are:

(a) The development and the implementation of coordinated strategies which promote the effective inclusion of non-Greek-speaking students in the education system;

(b) The development and the adoption of new legislative measures which will ensure that all students, regardless of their cultural background, will be able to reach their learning potential;

(c) The increase of school retention rates;

(d) The education and training of the school community in identifying and incorporating the diverse cultural perspectives of the school and its community in its curriculum, processes, practices and programmes;

(e) The development of appropriate research tools, teaching resources and methodological approaches which will assist the education system in expanding its support strategies.

100. The programme is divided into six areas of development:

Focus Area 1: Education Policy and Implementation (evaluation of existing support mechanism for the inclusion of non-Greek-speaking students; development of "intercultural schools");

Focus Area 2: School Curriculum and Development (identification and addressing of barriers for non-Greek-speaking students; development of strategies which will enhance student access to language support programmes in schools, including support for newly arrived students; the development of appropriate language support and language learning materials);

Focus Area 3: School Environment (identification of learning barriers of Greek repatriated and migrant students; development of appropriate counselling support programmes for these students; identification and addressing of school drop-out rates, development of school-home liaison);

Focus Area 4: Education and Training (education and training of the school community in intercultural awareness so that they become competent and confident in promoting cultural appreciation and understanding; development of appropriate training and learning resources in intercultural education);

Focus Area 5: Information, Cooperative and Support Networks (establishment of appropriate mechanisms which will ensure effective communication and networking among schools on intercultural education; establishment of an Intercultural Library and Resource Centre; support to schools in incorporating intercultural books and resources into their school libraries);

Focus Area 6: Evaluation of the programme.

101. Moreover, seminars geared to the recurrent training and sensitization of educators are held; new, suitable analytical syllabuses are formulated and student symposia against racism and xenophobia are held. Overall, approximately 800 educators have undergone refresher training.

Other activities aiming at the integration of foreigners into the educational system

102. New, suitable teaching materials have been created in the subjects of Greek as a second language, Chemistry, Geography, Physics, History and Biology (bilingual teaching material in Greek/Albanian and Greek/Russian for the secondary education syllabus). Teaching materials and teaching aids have also been prepared for nursery school and the first classes of elementary school.

103. There are currently 21 intercultural schools (primary schools, secondary schools, lyceums). In schools with a significant number of Albanian- and Russian-speaking pupils, the Ministry of Education has appointed Albanian and Russian-speaking teachers, in order to provide special assistance to these pupils.

104. Commencing the school year 1998/99, the institution of Reception Classes has undergone streamlining and overhauling with a view to the rapid and effective learning of the Greek language, as well as to providing learning support to the pupils concerned.

105. The Reception Classes (RC) programme will be completed in two cycles which are integrated in the school's schedule. The minimum number of students for whom type I or II Reception Class has been created stands at 9, while the maximum is 17. If there are students in nearby schools who are in need of Reception Classes, they may be transferred, with the agreement of their parents and the principals of the school, as well as by decision of the Head of the Directorate or of the Education Bureau, to a school meeting the preconditions for the establishment of Reception Classes in it.

106. In type I Reception Classes, there has been put into operation an intensive programme of learning Greek as a second language, designed for students who will be integrated into the Greek educational system. Attendance will last for one school year. The programme shall be implemented with the parallel attendance of some courses in a regular class.

107. Type II Reception Classes will offer a mixed programme of internal and external linguistic and learning support to the students, to be implemented within the regular classes by means of a parallel support procedure. Attendance lasts for two school years.

108. As regards secondary education, a weekly programme lasting 18-22 hours will be implemented; pupils will be excused from the regular class. With respect to the curriculum concerning type II Reception Classes, the pupils will attend regular classes, while at the same time they will be provided with language and learning support. This support makes provision for (a) the internal differentiation of instruction by means of individualized support provided to students and aimed at developing their essential linguistic skills while they are participating in the educational activities of the normal class and are under the guidance of a teacher who is responsible for the teaching of Greek as a second language; (b) the external differentiation of instruction through continuation of the intensive courses in Greek as a second language, with the help of special teachers.

109. We would like to note that lessons in the language and culture of the country of origin are optional and, if a sufficient number of students (7-15) is secured, the subject will be taught for three hours a week outside regular school hours. At the end of the school year, an attestation shall be granted to the effect that the aforesaid subject has been duly taught.

110. The programme pursued by the Tutorial Sections is for repatriated Greek or foreign pupils who either have not received instruction in Reception Classes and are confronted with language difficulties, or they have attended the lessons but nonetheless continue to face language difficulties in the course of their integration into the regular class. In these sections subjects in

which the teacher's board considers that the foreign-speaking students are apt to face linguistic or learning difficulties are taught. Moreover, the employment of personnel intended to provide psychosocial support to the Reception Classes and to the Tutorial Sections shall be anticipated.

111. The draft Immigration Bill under discussion stipulates that foreign minors who are residing in Greek territory shall be subject to the same obligation of minimal school attendance as Greek students are. Young foreigners, who shall obtain instruction at all the levels of the education system, shall have access to all activities of the school or the educational community, without restrictions.

112. For the purpose of enrolment of foreign minors in public schools, the appropriate supporting documents which are statutorily prescribed for Greek minors shall be required. By way of exception, registration in public schools without supporting documents may be effected with respect to children: (a) of refugees and persons under the protection of UNHCR; (b) of all those who come from areas where the situation is unsettled; (c) of those who have submitted an application for asylum.

113. By joint decision of the Ministers of the Interior, Public Administration and Decentralization as well as of Education, requirements are laid down for the classification of foreign students in echelons of the Greek educational system, as well as their enrolment in public schools without supporting documents. A similar decision regulates matters relating to the optional teaching of the mother tongue and culture in the event of a sufficient number of pupils expressing interest therein. That decision shall also define the labour relationship and the qualifications of the educators who will teach the mother tongue and the basic features of the culture of the country of origin.

114. It is anticipated that foreign students who have graduated from secondary education in Greece shall have access to university-level education under the same terms and conditions as those enjoyed by Greek students.

5. Training of law enforcement officials and public servants

115. Greek authorities have taken special measures in the light of the Committee's General Recommendation XIII (42) adopted on 16 March 1993, accorded to which law enforcement officials should receive intense training to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

116. The annual programme for the refresher training of Greek police personnel includes, among others, topics concerning aliens, passport control, immigration, the right to asylum, regularization, work and residence permits of aliens, etc. In the Department of Professional Training of Staff Officers, the following courses are taught:

(a) Meaning and causes (social, political, cultural and economic) of racist and xenophobic crimes, domestic legislation for the prevention and repression of such crimes;

(b) Contribution of the police to the integration of aliens and the eradication of racist and xenophobic violence;

(c) Political asylum, refugees and the relevant Greek and European experience;

(d) Freedom of movement and establishment of aliens;

(e) Constitutional safeguards concerning arrest and detention;

(f) Police and immigrants;

(g) Roma, social behaviour, establishment and protection;

(h) Fundamental rights;

(i) Social minorities and inequalities;

(j) Humanitarian law.

117. During the training of border guards, special attention is given to the teaching of constitutional law, which includes matters such as the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment and refugee law. Thus, border guards are fully aware of their duty to respect human rights in accomplishing their mission.

118. The Ministry of Public Order cooperates closely with the UNHCR Office in Greece to keep police personnel continuously and immediately informed about human rights, especially immigrants' rights. Police agents and officers participate regularly in seminars, colloquies, conferences and lectures organized by non-governmental organizations. Recently, 30 officers of the Thessaloniki General Police Direction participated in a special training programme at Aristotle University of Thessaloniki on racism-xenophobia and violence, carried out in the context of the continuous training programme for police officers.

119. In the context of the training programmes cofinanced by the European Union, a special refresher training programme for police personnel in human rights issues is in the process of approval by the Ministry of Education.

120. Public servants involved in immigration issues participate in a series of refresher training seminars in the context of the European Union "Odysseus" programme, in cooperation with the Italian Ministry of the Interior. The aim of the aforementioned programme is the exchange of ideas and good practices as well as the solution of problems arising from legal or illegal immigration. In the programme against the exclusion from labour market, cofinanced by the European Social Fund, special measures are included for the employment and professional training of immigrants, repatriated persons and refugees.

Article 4 (Measures to eradicate all incitement to, or acts of, discrimination in any form)

Law 927/1979

121. Law 927/1979 is the main legislative act aiming at penalizing: (a) incitement to discrimination, hatred or violence against individuals or groups because of their racial, ethnic and [by virtue of Law No 1419/1984] religious origin; (b) establishment of, and membership in, organizations which produce organized propaganda or other activities aimed at racial discrimination; (c) public, oral and written, expression of offensive ideas aimed at racial discrimination; and (d) the act of refusing to sell goods or supply services, or subjecting the aforementioned activities to special conditions, on racial grounds.

122. During the period under review, no convictions have been imposed on the basis of Law 927/1979. It is to be noted that the draft Immigration Bill enables prosecuting authorities to press charges ex officio in the case of racist and discriminatory acts.

123. To date, no complaints have been filed before the competent authorities with regard to misbehaviour based on racial prejudice on the part of police officers towards refugees, legal or illegal immigrants and/or members of minority groups.

124. However, each time the competent department of the Greek police is noticed of any violation linked to improper or unlawful behaviour on the part of the police personnel against any person, whether he or she belongs to any of the aforementioned groups or not, or to violations of human rights in general, disciplinary proceedings are immediately initiated against the alleged perpetrators, following the relevant disciplinary rules of the Greek Police Corps.

125. The issue of the protection of human rights of all persons living in Greece is of primary importance to the Greek police and is always dealt with in a responsible manner. The newly adopted disciplinary rules, which entered into force in 1996, provide for a special procedure aiming at the most urgent investigation of the relevant complaints by the competent authority. When the veracity of such allegations is proven, severe disciplinary sanctions are taken against the responsible police agents. If the disciplinary offences also constitute criminal acts, the Prosecutor's Office is informed, in order to institute criminal proceedings against the agents concerned.

Combating racism in the media

126. Within the framework of media legislation, care is being taken to combat phenomena relating to the propagation of racist ideas and prejudices. By way of complementarity, texts have been drawn up pertaining to self-regulation initiatives, such as professional association deontology codes. More particularly:

(a) Article 3, paragraph 3, of Law 2328/1995 relating to the principles on broadcasts and advertisements states that television advertisements should not introduce discrimination based on race, gender, religion or citizenship. Moreover, pursuant to article 3, paragraph 14, of the aforecited Law (as amended by article 8, paragraph 5, of presidential decree 100/2000),

television broadcasters should not broadcast programmes which incite enmity among citizens on account of differences in race, religion, citizenship or gender. In Law 1730/1987 relating to the establishment of Greek radio and television (public company), article 3 pertaining to the "General principles on broadcasts and advertisements" postulates that Greek Radio and Television may refuse to broadcast an advertisement and ought not to transmit ads that are deemed to be contrary to its purpose and general principles, especially the principle of respect of the personality of women;

(b) The Code of Professional Ethics and Social Responsibility concerning journalists who are members of the Association of Editors of Daily Newspapers states that journalists should not make distinctions among citizens on the basis of their origin, gender, race, religion, political affiliation, economic situation and social status (art. 2, para. A);

(c) On a similar note, article 7 of the draft code of honour of the press which has been drawn up by the Association of Owners of Athens Daily Newspapers, states that the press should not adopt positions which constitute a direct and serious assault on fundamental rights or constitute flagrant discrimination against groups of persons on grounds of gender, ethnic origin, race, religious, political and ideological convictions or sexual orientation of persons composing these groups;

(d) Article 5 of Regulation 1/1991 (Code of Journalistic Ethics) provides that it is not permitted to present persons in a way which might, under the specific circumstances, foster humiliation, social exclusion or discrimination by part of the public on grounds, especially, of gender, race, nationality, language, religion, ideology, age, illness or disability, sexual orientation or profession;

(e) According to article 2, paragraph 5, of the draft code of ethics for information and other journalistic and political programmes, it is absolutely not permitted to refer to persons accused or convicted with no other identification than ethnic origin or religious belief. More generally, reference to ethnic origin or religious belief of persons suspect of having committed criminal offences is to be avoided;

(f) The National Radio and Television Council, guided by the intense preoccupation of the electronic media with the matter of criminality of migrants, in a way that is replete with generalizations and is apt to create sentiments of xenophobia or even hatred against them, has issued Directive - Recommendation No. 5/1998. The Council draws the attention of the radio and television stations to the fact that "crime, being an individual act committed by certain persons, belongs to the sphere of responsibility of the perpetrators and cannot be turned into censure of the ethnic group, the race, the population, or any other social group to which the criminal belongs". The Council further stresses that "the television and radio stations are bound to confine themselves within the boundaries of objective information, as the latter is dictated by the Constitution, avoiding not only any provocation, but also condemning every form of xenophobia and hatred which is directed against a certain ethnicity or social group".

(g) The draft code of ethics of public radio and television defines that respect and protection of the principle of non-discrimination constitutes a fundamental duty of the National Radio and Television Service. Ethnicity, religion, culture and country of origin may be

mentioned only when they constitute relevant information. Cultural differences must be respected and not be made to appear as obstacles to social symbiosis or mere folklore. Definitions that are considered as demeaning by the interested persons themselves or which are negative should be avoided. In discussions or interviews where racist or xenophobic opinions based on prejudice are put forward, the presenter of these programmes should avoid giving the impression that they legitimize such news.

127. In conclusion, it is noted that the Greek public radio broadcasts on a daily basis half-hour information programmes in 12 languages (including Albanian, Russian, Turkish, Polish and Romanian), with a view to informing migrants living in the country.

Article 5 (Elimination of racial discrimination in the enjoyment of human rights)

Personal freedom

128. The conditions of detention of foreign nationals awaiting expulsion are of great concern to the Greek authorities. It is clear that the situation is not entirely satisfactory. Nonetheless, a series of measures have already been taken. More specifically, in the course of the year 2000, several police detention facilities have been repaired and refurbished; new buildings have been constructed or rented. The competent authorities have made great efforts to fulfil the basic health and hygiene requirements. A comprehensive solution is currently being sought in the context of a major project for the upgrading of the building infrastructure of the Greek police now under way. As already stressed, the draft Immigration Bill provides for the setting-up of special detention premises for foreigners awaiting expulsion.

129. The detention time for aliens awaiting deportation can vary for each person. In general, it lasts for a few days but in some cases it is extended for a much longer time. In a number of cases, prolongation of the detention time, often for several months, is caused by the aliens themselves, who, in order to avoid deportation, employ passive-resistance tactics, refuse to make contact with, or to be taken to, their countries' consular authorities for the issuance of travel documents, refuse to fill out the necessary forms, provide false information about their identity or nationality, submit abusive and manifestly ill-founded asylum applications. In this connection, the position of some foreign consular authorities (e.g. refusal to issue travel documents) is to be noted. The delay of the deportation is also sometimes caused by the fact that there is no frequent air connection with some countries.

130. Special measures have been taken in order to avoid prolonged periods of detention. More specifically:

(a) Article 8 of Ministerial Decision 4803/13/7a/92 provides for the temporary stay in the country of foreigners awaiting expulsion, subject to restrictions on their freedom of movement, establishment, etc. until all legal and practical obstacles to their deportation are removed. In the course of the year 1999, permission for temporary stay was granted to 1,274 foreigners under order of expulsion; from January to September 2000, permission was granted to 1,155 persons;

(b) Joint Ministerial Decision No. 137354/12.10.2000 of the Ministers of Foreign Affairs, Justice and Public Order provides for the temporary stay in the country of foreigners against whom a court-ordered decision to expel has been issued, in case these persons cannot immediately be deported. The competent prosecutor refers the case to the three-member First Instance Court, which decides on the temporary stay of the person concerned, as well as on the restrictive measures imposed thereon.

131. Foreigners detained for deportation enjoy full respect of their human rights, notwithstanding the above-mentioned practical difficulties. They have, among others things, the right to engage and consult a lawyer of their choice; to communicate with the consular authorities of their country; to receive visits from members of their family; to take legal action against the decision to expel, as well as to challenge their detention prior to expulsion; to medical care through a State medical institution. Aliens detained for deportation are supplied with an information bulletin, which is also posted in detention facilities, in 14 languages, listing their rights in detail. They are, of course, free to request more information concerning their rights from the official responsible for their case.

Freedom of association

132. Aliens have the right to form and participate in associations, trade unions, etc. Greek courts have refused to apply Greek legislation, namely the relevant provision of the Civil Code (article 107 of the Introductory Law to the Civil Code), which does not fully allow aliens to manage associations, as being contrary to the Constitution, the European Convention on Human Rights (arts. 11, 14 and 16) as well as the more general provisions of the Civil Code, namely article 4, which provides for the equal enjoyment of civil rights between nationals and aliens (see for instance judgement Nos. 3518/1993, 4300/1996, 6776/1997 (concerning an association of refugees) of the Athens First Instance Court).

133. In 1998, the European Court of Human Rights found a violation of article 11 of the European Convention by Greek courts, which refused to register an association, called "Home of Macedonian civilization", suspected of undermining the country's territorial integrity (European Court of Human Rights, Sidiropoulos v. Greece, 10 July 1998). The Court's judgement was communicated, by circular of the President of the Court of Cassation, to all courts and tribunals in Greece, in order to prevent similar violations of the right of association in the future.

Freedom of religion

134. Greek authorities have taken measures to ensure the equal enjoyment of religious freedom by persons who do not belong to the Eastern Orthodox Church. The following examples illustrate this effort.

135. Greek legislation empowers the Minister for Education and Religious Affairs with the competence to authorize the opening of places of worship. But this is clearly circumscribed and aims solely at ensuring that the conditions laid down by article 13 of the Constitution are met. If this is the case, the granting of the authorization may not be withheld and the authorities have no discretionary power in this respect. In the period 1994-1998, 84 applications for opening houses of worship were submitted; and were all approved. In 1999, 19 such licenses were issued. As of

February 2000, 18 applications were pending, the delay being due to the recent introduction of a new requirement, namely that the applicants should produce a certificate that the building of the proposed place of worship meets certain safety standards. The friendly settlement of the Pentidis case before the European Court of Human Rights, following the finding of violation by the Court in the Manoussakis case, is an example of the effort to harmonize the practice of the Administration with the requirements of the Convention. Furthermore, in case the authorization is refused, judicial review before the Supreme Administrative Court provides an effective remedy, as illustrated by the 1995 judgement of the Council of State in the Kirche Jesu Christi der Heiligen der Letzten Tage case. Moreover, the opinion of the local Orthodox Bishop is not binding on the Minister of Education and Religious Affairs, who may decide to disregard it if he considers that it is not supported by reasons prescribed by law.

136. Law 1363/1998 criminalizing proselytism has been found, at least in principle, in conformity with the European Convention on Human Rights by the European Court of Human Rights. Greece was condemned only for the failure of the competent courts to give sufficient reasons for their decisions. The European Court, Kokkinakis and Larissis cases, found that the aforementioned Law satisfies the principles of certainty and aforeseeability and that it may be applied in conformity with the European Convention. The Larissis case is, in part, an example thereof. Following the Kokkinakis judgement, the Committee of Ministers of the Council of Europe adopted resolution DH (97) 576 according to which, following the dissemination by circular of the European's Court judgement the prosecutors and the indictment chambers of the tribunals have adapted their interpretation of Greek legislation to the requirements set by the Court's judgement so that the tribunals were involved only in a very few cases of proselytism and that no conviction has been pronounced in a case similar to the Kokkinakis case. Since 1994, there have been only two convictions for proselytism vis-à-vis minors. Nobody is currently being prosecuted on grounds of proselytism.

137. Following the European Court's judgement in the Catholic Church of Canea case, article 33 of Law 2731/1999 has been enacted, confirming the legal personality of the Catholic Church in Greece.

138. Recently, a Committee has been set up by the Minister for Foreign Affairs, which will proceed to a general overhaul of the legislation regarding freedom of religion issues and will propose remedies for any shortcomings in comparison with international standards.

139. The Council of State considered that non-Orthodox pupils have the right to be exempted from participating in manifestations of a religious character, as well as from following the class of religious teaching (Council of State, Judgement No. 3356/95).

140. On 15 April 2000, the Data Protection Authority considered that reference to religious affiliation in identity cards falls within the scope of application of Law 2472/1997 on data protection, as an item of personal information which forms part, or is intended to form part, of a file. To the extent that Law 2472/1997 is lex posterior, introducing into the Greek legal order international and community law provisions of a supralegislative character, legislation on identity cards in force has to be interpreted and applied in conformity therewith. The Authority considered that the listing of a series of personal data, provided for in legislative decree 127/1969, on identity cards oversteps the purpose of the processing, which is the

confirmation of the identity of the data subject. Among the said data, religious affiliation is to be included to the extent that it relates to the forum internum of the person concerned and is thus inadequate and irrelevant to the determination of his/her identity.

141. In the same vein, the Data Protection Authority dismissed as well the optional notation of religious affiliation. More specifically, the Authority considered that the content and the exercise of the right to self-identification, which manifests itself, among other ways, by the giving of consent of the data subject to the processing of personal data are not to be determined in abstracto, but in the framework and in direct relation to the purpose of the file or the data processing. In other words, the exercise of the said right cannot lead to the registration of data irrelevant to the purpose of the file or the data processing in question.

Social rights

142. As already stated, Greece has signed or ratified the main international treaties guaranteeing social and economic rights (recent examples including the Protocol amending the European Social Charter; the Additional Protocol to the European Social Charter; and the Additional Protocol to the European Social Charter providing for a system of collective complaints). These rights are recognized, according to the principle of non-discrimination, to nationals and aliens alike.

143. There are no discriminatory provisions in Greek legislation against any category of Greek citizens. According to the provisions of Law 1876/1990 on Free Collective Bargaining, Greek and foreign workers are entitled to equal pay for equal work. The Labour Inspectorates are responsible for controlling the effective implementation of this provision. Aliens who stay legally in Greece and have obtained residence and work permits or "green cards" suffer from no discrimination with respect to employment, housing, access to public services, etc. However, employment in the public sector is limited to European Union nationals.

144. Law 1414/1984 provides for gender equality in employment covering the whole spectrum of labour relations. Moreover, Ministerial Decision 33605/15.06.99 has set up employment projects within the framework of the European Programme of Combating Exclusion from the Labour Market. It should be noted, as already stated, that Presidential Decrees Nos. 358 and 359/1997 establish full equality of rights in employment between Greek citizens and all foreign nationals legally working in Greece.

145. On matters of social welfare, domestic courts are also applying the principle of non-discrimination. In that respect, relevant legislation applies to foreign nationals according to the conditions provided therein (Council of State 3487/92). Foreign nationals working legally in Greece enjoy the right to equal pay with Greek nationals (Appeals Court of Piraeus 459/1988). Ethnic Greeks of non-Greek nationality may claim that the relevant legislation may not apply stricto sensu whenever the applicable law requires qualifications which only Greek nationals may satisfy because of their continuing employment in Greece (Council of State 3133/92). Besides, the case law of the competent courts considers that a widow of a public servant is entitled to pension under the same conditions as Greek nationals regardless of nationality (State Audit Council 1617/98) applying directly article 14 of the European Convention on Human Rights.

146. As already stated, by virtue of presidential decree 189/1998, refugees can obtain a work permit on more favourable terms and conditions than other aliens, as no preliminary authorization is required. The right to professional training is accorded to refugees on the same conditions as for Greek citizens. Special programmes are being implemented, aiming at the gradual integration of refugees into the labour market. The Ministry of Health and Welfare, the Ministry of Labour and Social Security, UNHCR, the Greek Council for Refugees, the Social Work Foundation and the International Social Service cooperate in this effort. The Manpower Employment Organization is also involved.

Right to health (see the report of Greece to CEDAW)

147. Within the framework of the operation of the National Epidemiological Monitoring and Prompt Intervention Centre, transient populations (documented and undocumented migrants/refugees, etc.) are registered and monitored. Also in progress are special vaccination programmes which are intended for vulnerable groups of the population. The Ministry of Health and Welfare supports financially multidimensional programmes (concerning multipurpose centres, education, housing) which are being implemented by NGOs and are aimed at the integration of refugees into Greek society.

148. The primary health-care and health-education needs of migrants, men and women alike, are covered by the National Organization for Social Care (National Welfare Organization) by means of a network of 70 medico-social centres throughout the country which provide free services to all uninsured persons, migrants included.

149. The institutional framework for the rendering of medical and hospital care gratis to migrant patients is divided into the following categories:

(a) Foreign nationals of the contracting parties to the European Social Charter, the Revised European Social Charter and the European Convention on Social and Medical Assistance of the Council of Europe who are lawfully residing or regularly working in our country shall enjoy the same medical care as that provided to Greek citizens;

(b) Documented migrants who are staying permanently in Greece: a health booklet issued by a social insurance agency shall be required for their hospital and medical care; the granting of a booklet to indigents in this category is not provided for. When a patient belonging to this group is not in possession of a health booklet issued by a social insurance agency, he/she will be admitted to hospitals only in the case of an emergency and until his/her health has been stabilized. In normal situations, in order for a migrant to be admitted to a hospital, he/she shall have to pay in advance 50 per cent of the estimated cost of the hospitalization;

(c) Foreigners not legally residing in Greece: they will be provided with the necessary medical treatment exclusively in emergencies and up to the stabilization of their health;

(d) Refugees, asylum-seekers and temporary residents on humanitarian grounds shall be provided with hospital and medical care gratis, so long as they are in possession of the relevant documents. They are also entitled to receive social welfare benefits.

150. Hospitals will dispense drugs only to the holders of health booklets issued by a social insurance agency, as well as to refugees.

151. Migrants confronted with health problems, even if they are not in possession of the necessary documents and although they may not fulfil the statutory requirements, shall be medically cared for by the structures of the National Health System. By way of indication, we point out that women migrants who have been admitted for gratis hospitalization as emergency cases to certain maternity wards of NHS hospitals, at present account for 80 per cent of the occupancy rate of these clinics.

152. The organizations of Doctors Without Borders and Doctors of the World, who offer gratis services of primary health care and health education, as well as medical services to refugees, migrants and persons not covered by social security schemes, closely collaborate with the structures of the National Health System. Emergency cases that require medical services that these organizations cannot provide are transferred to the NHS (laboratory exams, hospital care, etc.).

153. The Centre for the Monitoring of Special Infections participates in the European project entitled Aids and Mobility, whose object is to provide information on this issue to transient populations (migrants, Roma, persons engaging in prostitution, as well as intravenous drug users). In 1997, a one-day meeting was held on HIV infection in target-groups and a panhellenic network of migrants, Roma and other migrating populations was set up. In 1999, the second annual seminar entitled "Access to new treatments for migrants living with HIV and AIDS", concerning the living conditions of HIV-seropositive migrants and their access to competent health services, was held in Athens. A declaration in support of the migrants' rights in regard to the foregoing was formulated and signed at the seminar.

154. In regard to the protection of the right of Roma to health, see the relevant sections above.

155. In accordance with article 15 of presidential decree 266/1999, hospital and medical care shall be provided to foreigners residing in the Greek State gratis, on condition that they are not covered by social security and are financially destitute, and belong to one of the categories referred to hereunder, namely recognized refugees, persons who have submitted an application for refugee status, which is in the process of being examined by the Ministry of Public Order, persons whose stay in Greece has been approved for humanitarian reasons or for which a time limit has been set that has not yet expired. Pursuant to article 16, medical care shall include an examination, which will be carried out in the outpatient department of State hospitals, as well as the performance of laboratory exams, the administering of drugs by medical prescription and hospitalization in public hospitals.

Right to housing

With regard to housing, migrants who live and work regularly in our country and from the income of whom contributions are deducted in favour of the Workers' Housing Agency (OEK) are, ipso jure, beneficiaries of the OEK's services without discrimination. However, it is not possible to have specific data on the number of migrant families that benefited from housing

assistance through the OEK's programmes, as in the latter's records no distinction is made between nationals and migrant beneficiaries. For more details, please refer to Greece's tenth report on the implementation of the European Social Charter.

156. In regard to the improvement of housing conditions of Roma in Greece, see the relevant sections above.

Right to equal treatment before the tribunals and all other organs administering justice

157. The refusal to appoint an interpreter for the examination of a defendant who is not in sufficient command of the Greek language shall entail the absolute nullity of the proceedings. All that is needed is for the defendant to state that he has insufficient knowledge of the Greek language or for the court to ascertain it in any way (Supreme Court judgement No. 714/1996). Failure to make an entry in the minutes of the trial to the effect that the appointed interpreter translated for the defendants who were ignorant of the Greek language everything that transpired during the hearing of the case, shall entail the absolute nullity of the proceedings (Supreme Court judgement No. 609/1998).

158. Article 96 A of the Code of Criminal Procedure (introduced by article 17 of Law 2721/1999) foresees the provision of free legal aid in case of indigence of a person accused of a crime or misdemeanor.

Right to nationality

159. In 1998 article 19 of the 1955 Citizenship Code was repealed (article 9, paragraph 14 of Law 2623/1998). The application of this article which allowed the withdrawal of Greek citizenship from persons of non-Greek ethnic origin who left the country with no intention of returning, had raised many issues in the past. The Constitution of 1975 included an implicit pledge to abolish that article, however, in order to reconcile with the international obligations assumed by Greece when it ratified the International Covenant on Civil Political Rights.

160. Article 20 paragraph 1 (c) of the Citizenship Code allows the competent authorities to deprive persons of their Greek citizenship, if, while living abroad, they commit, for the benefit of a foreign state, acts contrary to the interests of Greece. This article is still in force, but it has been applied only in very exceptional cases in recent years. Attention is drawn to the fact that an individual complaint contesting compliance with the European Convention on Human Rights of a decision of the Greek authorities to revoke citizenship on the basis of article 20 was brought before the European Commission on Human Rights. The Commission declared the application inadmissible ratione materiae, as to article 6 of the European Convention, and inadmissible for non-exhaustion of local remedies, as to articles 7, 8, 9, 10, 11, combined with article 14 of the Convention (application No. 17309/90, Gallip v. Greece).

Right to leave any country, including one's own, and to return to one's country

161. The large majority of political refugees who fled the country during the Civil War (1945-1949), as well as their descendants, returned to Greece, even though they had been

deprived of their Greek citizenship, and they were registered with municipal rolls by virtue of ministerial decision 106841/1982. These individuals were given back their Greek citizenship.

Article 7 (Measures in the fields of teaching, education, culture and information)

162. At the primary school level, the textbooks on civic education contain chapters on the Greek Constitution and on human rights, including the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

163. At the secondary school level, human rights are integrated into the following courses: Introduction to law and political institutions (17-year-olds) and Introduction to the principles of a democratic state (15- and 18-year-olds).

164. Academics provide occasionally courses on human rights education in teacher training centres, and the Institute of Peace (Thessaloniki) has organized courses on human rights issues throughout Greece since 1987 in cooperation with school advisors.

165. In 1996, a two-year post-graduate programme at the Department of Pedagogical Studies at the University of Athens was established entitled "Human Rights and comparative education". In the Aristotle University of Thessaloniki, a programme for education on human rights and peace entitled "Contemporary world problems and the scientists' responsibility" has been taught since 1997.

166. Non-governmental organizations are actively involved in human rights education. The Marangopoulos Foundation for Human Rights has translated and distributed to schoolteachers throughout Greece the United Nations publication "About the UN - Teaching about Human Rights", which serves as a model for human rights education. More recently, the Foundation has produced the Greek version of a Council of Europe video film for 13- to 18-year-olds entitled "Stand up NOW for Human Rights!" together with the accompanying support pack for trainers. The videocassette has been distributed to a significant number of schools in Greece. Furthermore, the Greek committee for UNICEF has been active in the field of education for peace and is participating in the Mediterranean Group on Education for Development aimed at creating educational material on education for development and human rights.

Notes

[1] According to established practice, the judgements of the European Court of Human Rights concerning Greece are translated into the Greek language and transmitted by circular of the Ministry of Justice to the competent courts and tribunals. The growing impact of the case law of the European Court in the Greek legal order is illustrated in the following examples:

- Greek courts had developed a constant case law, according to which, only immovable property is protected by the Constitution and international human rights treaties. This case law was radically changed in 1998, when the Court of Cassation, based on a series of European Court judgements, considered that claims, as well as other proprietorial interests, fall within the scope of the right to the peaceful enjoyment of possessions (Court of Cassation, 40/1998).

- Greek courts have been willing to accept that the legislature is not precluded from extinguishing claims arising under laws previously in force and from striking out proceedings pending before courts. Following the European Court's judgements in the Stran and Papageorgiou cases, Greek courts now admit that the striking out of proceedings in which the State is a party constitutes a breach of the right to a fair trial (Council of State, 542/1999).

[2] The Peace Treaty of Lausanne of 24 July 1923 which was concluded between the Allied and Associated Powers on the one hand and Turkey on the other, establishes the boundaries of the new Turkish Republic; in addition it contains provisions (39-45) for the protection of the Greeks of Constantinople who were explicitly excluded from the exchange of population between Greece and Turkey in 1923 (Lausanne Agreement of January 1923) and other non-Muslim minorities. The same obligation of protection was also assumed by Greece, on a reciprocal basis, through article 45 of this Treaty with respect to the "Muslim" minority of Thrace, which was also excluded from the above exchange of populations between the two countries. Throughout these years Greece has applied all the above provisions vis-à-vis the Muslim minority of Thrace notwithstanding the fact that the Greek minority in Turkey has largely disappeared and has been reduced to 3,000 people from a total of 300,000 people at the time of the conclusion of the Lausanne Treaty.

[3] This document has been signed by Greece and its ratification will take place as soon as various internal measures necessary for the implementation of the Convention have been adopted.

[4] http://www.unhcr.ch/world/euro/greece.